THE TRIAL OF JOHN ALMON, BOOKSELLER,

Upon an INFORMATION, filed *ex officio*,

By WILLIAM DE GREY, Esq; his Majesty's Attorney-General,

For selling JUNIUS's LETTER to the K——.

Before the Right Hon. William Lord MANSFIELD, and a Special Jury of the County of Middlesex,

In the Court of KING'S-BENCH, Westminster-Hall, On Saturday the second Day of June, 1770.

To which is prefixed a Copy of the INFORMATION.

Taken in SHORT HAND.

LONDON:

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[Price One Shilling.]

COPY *of an* INFORMATION

Filed *ex officio*,

By WILLIAM DE GREY, Esq;

His Majesty's Attorney General,

AGAINST

JOHN ALMON, *Bookseller*, for publishing a LIBEL.

MIDDLESEX, *Filed Hilary Term, 10 George III.*

INFORMATION sets forth That John Almon late of the parish of Saint James within the liberty of Westminster in the county of Middlesex Bookseller having no regard to the laws of this kingdom or the publick peace good order and government thereof and most unlawfully seditiously and maliciously contriving and intending by wicked artful scandalous and malicious allusions suppositions and insinuations to molest and disturb the happy state and the public peace and tranquility of this kingdom and most insolently audaciously and unjustly to asperse scandalize and vilify our said present Sovereign Lord the King and to represent and to cause it to be believed that our said Sovereign Lord the King had by his measures of government lost the affections of his subjects in that part of Great Britain called England and in Ireland and in his

dominions

dominions of America and brought the publick affairs of this kingdom into a moſt diſtreſſed diſgraceful and lamentable ſtate and condition and alſo moſt unlawfully and maliciouſly contriving and intending to repreſent and cauſe it to be believed that our ſaid Lord the King had beſtowed promotions and favours upon his ſubjects of that part of his kingdom of Great Britain called Scotland in preference to his ſubjects of that part of Great Britain called England and thereby to create groundleſs jealouſies and uneaſineſs in his Majeſty's ſubjects of England and alſo moſt unjuſtly to repreſent and cauſe it to be believed that our ſaid Lord the King had beſtowed promotions and favours upon one part of his ſaid Majeſty's army commonly called the Guards in preference to another part of his army commonly called the Marching Regiments and thereby to create groundleſs jealouſies uneaſineſs and mutiny in that part of his army called the Marching Regiments and to bring our ſaid Lord the King and his adminiſtration of the government of this kingdom into the utmoſt diſhonor and contempt and to poiſon and infect the minds of his Majeſty's ſubjects with notions and opinions of our ſaid Lord the King highly unworthy of our ſaid Lord the King and of that paternal love and concern which he hath always ſhewed and expreſſed for all his ſubjects as if our ſaid Lord the King had unjuſtly taken a part with ſome of his ſubjects againſt others and had unjuſtly proſtituted the meaſures of his government to gratify perſonal reſentment and alſo thereby as much as in him the ſaid John Almon lay to alienate and withdraw from our ſaid Lord the King that cordial love allegiance and fidelity which every ſubject of our ſaid Lord the King ſhould and of right ought to have and ſhew towards our ſaid Lord the King and alſo moſt

unlawfully

unlawfully wickedly and maliciouſly contriving and intending by wicked artful ſcandalous and malicious alluſions ſuppoſitions and inſinuations to traduce ſcandalize and vilify the principal officers and miniſters of our ſaid Lord the King employed and entruſted by our ſaid Lord the King in the conduct and management of the weighty and arduous affairs of this government and to repreſent and cauſe it to be believed that ſaid principal officers and miniſters had violated the laws and conſtitution of this kingdom and adopted weak oppreſſive and infamous meaſures in the adminiſtration of the publick affairs of this kingdom and had brought diſtreſs and miſery upon the ſubjects of this kingdom and thereby to weaken and diminiſh the public credit power and authority of the government and alſo as much as in him the ſaid John Almon lay contriving and intending to aſperſe ſcandalize and vilify the Members of the preſent Houſe of Commons of this kingdom and to repreſent them as an abandoned profligate ſet of men who had arbitrarily invaded the rights of the people violated the laws and ſubverted the conſtitution of this kingdom and alſo as much as in him the ſaid John Almon lay to move excite and ſtir up the ſubjects of our ſaid Lord the King to inſurrection and rebellion againſt our ſaid Lord the King he the ſaid John Almon upon the firſt day of January in the 10th year of the reign of our ſaid preſent Sovereign Lord George the Third by the grace of God of Great Britain France and Ireland King Defender of the Faith and ſo forth with force and arms at the pariſh of Saint James aforeſaid within the liberty of Weſtminſter aforeſaid in the county of Middleſex aforeſaid unlawfully *wickedly ſeditiouſly and maliciouſly did publiſh and did cauſe and procure to be publiſhed* a moſt wicked ſcandalous ſeditious and malicious Libel

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intituled *The London Museum of Politics Miscellanies, and Literature*, in which said Libel of and concerning our said present Sovereign Lord the King and of his administration of the government of this kingdom and also of and concerning the publick affairs of this kingdom and also of and concerning the principle officers and ministers of our said Lord the King employed and entrusted by our said Lord the King in the conduct and management of the weighty and arduous affairs of this government and also of and concerning the Members of the present House of Commons of this kingdom are contained (amongst other things) diverse wicked scandalous seditious and malicious matters (that is to say) in one part thereof according to the tenor following, to wit, *Junius*'s Letter to the * * * * (meaning our said Lord the King) When the complaints of a brave and powerful people are observed to encrease in proportion to the wrongs they have suffered; when, instead of sinking into submission, they are roused to resistance, the time will soon arrive at which every inferior consideration must yield to the security of the Sovereign, and to the general safety of the state. There is a moment of difficulty and danger, at which flattery and falshood can no longer deceive, and simplicity itself can no longer be misled. Let us suppose it arrived. Let us suppose a gracious, well-intentioned Prince, made sensible at last of the great duty he owes to his people, and of his own disgraceful situation; that he looks round him for assistance, and asks for no advice, but how to gratify the wishes, and secure the happiness of his subjects. In these circumstances it may be matter of curious speculation to consider, if an honest man were permitted to approach his King, in what terms would he address himself to his Sovereign. Let

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it be imagined, no matter how improbable, that the firſt prejudice againſt his character is removed, that the ceremonious difficulties of an audience are ſurmounted, that he feels himſelf animated by the pureſt and moſt honourable affections to his King and Country, and that the great perſon, whom he addreſſes, has ſpirit enough to bid him ſpeak freely, and underſtanding enough to liſten to him with attention. Unacquainted with the vain impertinence of forms, he would deliver his ſentiments with dignity and firmneſs, but not without reſpect. Sir, (meaning our preſent Sovereign Lord the King) It is the misfortune of your life, and originally the cauſe of every reproach and diſtreſs which has attended your government, that you (again meaning our preſent Sovereign Lord the King) ſhould never have been acquainted with the language of truth, until you heard it in the complaints of your people. It is not, however too late to correct the error of your education. We are ſtill inclined to make an indulgent allowance for the pernicious leſſons you received in your youth, and to form the moſt ſanguine hopes from the natural benevolence of your diſpoſition. We are far from thinking you capable of a direct, deliberate purpoſe to invade thoſe original rights of your ſubjects, on which all their civil and political liberties depend. Had it been poſſible for us to entertain a ſuſpicion ſo diſhonourable to your character, we ſhould long ſince have adopted a ſtile of remonſtrance very diſtant from the humility of complaint. The doctrine inculcated by our laws, that the King can do no wrong, is admitted without reluctance. We ſeparate the amiable good-natured Prince from the folly and treachery of his ſervants, and the private virtues of the man from the vices of his government. Were it not for this juſt diſtinction, I

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know not whether your M——y's (meaning Majesty's) condition, or that of the English nation, would deserve most to be lamented. I would prepare your mind for a favourable reception of truth, by removing every painful, offensive idea of personal reproach. Your subjects Sir (again meaning our said present Sovereign Lord the King) wish for nothing but that as they are reasonable and affectionate enough to separate your person from your government so you (again meaning our said present Sovereign Lord the King) in your turn should distinguish between the conduct, which becomes the permanent dignity of a K—g, (meaning King) and that which serves to promote the temporary interest and miserable ambition of a minister. You ascended the throne with a declared, and I doubt not, a sincere resolution of giving universal satisfaction to your subjects. You (again meaning our said present Sovereign Lord the King) found them pleased with the novelty of a young Prince, whose countenance promised even more than his words, and loyal to you not only from principle but passion. It was not a cold profession of allegiance to the first magistrate, but a partial, animated attachment to a favourite Prince, the native of their country. They did not wait to examine your conduct, nor to be determined by experience, but gave you a generous credit for the future blessings of your reign, and paid you in advance the dearest tribute of their affections. Such Sir (again meaning our said present Sovereign Lord the King) was once the disposition of a people, who now surround your throne with reproaches and complaints. Do justice to yourself. Banish from your mind those unworthy opinions with which some interested persons have laboured to possess you. Distrust the men who tell you the English are naturally light and inconstant, that they

they complain without a cauſe. Withdraw your confidence from all parties; from miniſters, favourites and relations; and let there be one moment in your life in which you (again meaning our ſaid preſent Sovereign Lord the King) have conſulted your own underſtanding. When you (again meaning our ſaid Lord the King) affectedly renounced the name of Engliſhman, believe me Sir, (again meaning our ſaid Lord the King) you were perſuaded to pay a very ill-judged compliment of one part of your ſubjects at the expence of another. While the natives of Scotland are not in actual rebellion, they are undoubtedly intitled to protection, nor do I mean to condemn the policy of giving ſome encouragement to the novelty of their affections for the Houſe of Hanover. I am ready to hope for every thing from their new-born zeal, and from the future ſteadineſs of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence in excluſion of your Engliſh ſubjects, who placed your family, and, in ſpite of treachery and rebellion have ſupported it upon the th—ne (meaning throne) is a miſtake too groſs even for the unſuſpecting generoſity of youth. In this error we ſee a capital violation of the moſt obvious rules of policy and prudence. We trace it however to an original bias in your education and are ready to allow for your inexperience. To the ſame early influence we attribute it, that you have deſcended to take a ſhare not only in the narrow views and intereſt of particular perſons but in the fatal malignity of their paſſions. At your acceſſion to the throne, the whole ſyſtem of government was altered, not from wiſdom or deliberation, but becauſe it had been adopted by your predeceſſor. A little perſonal motive of pique and reſentment was ſufficient to remove the ableſt ſervants of the crown, but it is not in this coun-

try Sir, (again meaning our ſaid Lord the King) that ſuch men can be diſhonoured by the frowns of a K—, (meaning the King) they were diſmiſſed but could not be diſgraced. Without entering into a minuter diſcuſſion of the merits of the peace, we may obſerve in the imprudent hurry with which the firſt overtures from France were accepted in the conduct of the negociation, and terms of the treaty, the ſtrongeſt marks of that precipitate ſpirit of conceſſion with which a certain part of your ſubjects have been at all times ready to purchaſe a peace with the natural enemies of this country. On your part we are ſatisfied that every thing was honourable and ſincere, and if E——d (meaning England) was ſold to F——e (meaning France) we doubt not that your M——y (meaning Majeſty) was equally betrayed. The conditions of peace were matter of grief and ſurpriſe to your ſubjects, but not the immediate cauſe of their preſent diſcontent. Hitherto Sir, (again meaning our ſaid Lord the now King) you had been ſacrificed to the prejudices and paſſions of others. With what firmneſs will you (again meaning our ſaid Lord the King) bear the mention of your own? A man not very honourably diſtinguiſhed in the world, commences a formal attack upon your favourite, conſidering nothing but how he might beſt expoſe his perſon and principles to deteſtation, and the national character of his countrymen to contempt. The natives of that country Sir (again meaning our ſaid Lord the now King) are as much diſtinguiſhed by a particular character as by your Majeſty's favour. Like another choſen people they have been conducted into the land of plenty, where they find themſelves actually marked and divided from mankind. There is hardly a period at which the moſt irregular character may not be redeemed. The miſtakes of one ſex find a retreat in patriotiſm, thoſe of the other in devotion. Mr.

Wilkes

Wilkes brought with him into politics the ſame liberal ſentiments by which his private conduct had been directed, and ſeemed to think that, as there are few exceſſes, in which an Engliſh gentleman may not be permitted to indulge, the ſame latitude was allowed him in the choice of his political principles and in the ſpirit of maintaining them. I mean to ſtate, not entirely to defend his conduct; in the earneſtneſs of his zeal, he ſuffered ſome unwarrantable inſinuations to eſcape him. He ſaid more than moderate men would juſtify, but not enough to intitle him to the honour of your M—y's (meaning Majeſty's) perſonal reſentment. The rays of R—l (meaning Royal) indignation, collected upon him, ſerved only to illuminate, and could not conſume. Animated by the favour of the people on one ſide, and heated by perſecution on the other, his views and ſentiments changed with his ſituation. Hardly ſerious at firſt, he is now an enthuſiaſt, the coldeſt bodies warm with oppoſition, the hardeſt ſparkle in colliſion. There is a holy miſtaken zeal in politics as well as religion. By perſuading others, we convince ourſelves. The paſſions are engaged, and create a material affection in the mind, which forces us to love the cauſe for which we ſuffer. Is this a contention worthy of a K—? (meaning King) Are you (again meaning our Lord the now King) not ſenſible how much the meanneſs of the cauſe gives an air of ridicule to the ſerious difficulties, into which you (again meaning our ſaid Lord the King) have been betrayed? The deſtruction of one man has been now, for many years, the ſole object of your government, and if there can be any thing ſtill more diſgraceful, we have ſeen for ſuch an object, the utmoſt influence of the executive power, and every miniſterial artifice exerted without ſucceſs. Nor can you (again meaning our ſaid Lord

the now King) ever ſucceed, unleſs he ſhould be imprudent enough to forfeit the protection of thoſe laws, to which you owe your C——n (meaning Crown) or unleſs your miniſters ſhould perſuade you to make it a queſtion of force alone, and try the whole ſtrength of government in oppoſition to the people. The leſſons he has received from experience will probably guard him from ſuch exceſs of folly; and in your M——s (meaning Majeſty's) virtues we find an unqueſtionable aſſurance that no illegal violence will be attempted. Far from ſuſpecting you (again meaning our ſaid Lord the now King) of ſo horrible a deſign, we would attribute the continual violation of the laws, and even this laſt enormous attack upon the vital principles of the conſtitution to an ill-adviſed, unworthy, perſonal reſentment. From one falſe ſtep you (again meaning our ſaid Lord the now King) have been betrayed into another, and as the cauſe was unworthy of you (again meaning our ſaid Lord the now King) your miniſters were determined that the prudence of the execution ſhould correſpond with the wiſdom and dignity of the deſign. They have reduced you (again meaning our ſaid Lord the now King) to the neceſſity of chooſing out of a variety of difficulties;——to a ſituation ſo unhappy that you (again meaning our ſaid Lord the now King) can neither do wrong without ruin, nor right without affliction. Theſe worthy ſervants have undoubtedly given you many ſingular proofs of their abilities. Not contented with making Mr. Wilkes a man of importance, they have judiciouſly transferred the queſtion from the rights and intereſt of one man to the moſt important rights and intereſts of the people, and forced your ſubjects, from wiſhing well to the cauſe of an individual to unite with him in their own. Let them proceed as they have begun, and your M——y

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(meaning Majesty) need not doubt that the catastrophe will do no dishonour to the conduct of the piece. The circumstances to which you (again meaning our said Lord the now King) are reduced will not admit of a compromise with the English nation. Undecisive, qualifying measures will disgrace your government still more than open violence, and, without satisfying the people, will excite their contempt. They have too much understanding and spirit to accept of an indirect satisfaction for a direct injury. Nothing less than a repeal, as formal as the resolution itself can heal the wound, which has been given to the constitution, nor will any thing less be accepted. I can readily believe that there is an influence sufficient to recal that pernicious vote. The H—— of —— (meaning the House of Commons in this kingdom) undoubtedly consider their duty to the C—n (meaning Crown) as paramount to all other obligations. To us they are only indebted for an accidental existence, and have justly transferred their gratitude from their parents to their benefactors; from those, who gave them birth, to the minister, from whose benevolence they derive the comforts and pleasures of their political life;—who has taken the tendereſt care of their infancy, relieves their necessities without offending their delicacy, and has given them, what they value most, a virtuous education. But if it were possible for their integrity to be degraded to a condition so vile and abject, that compared with it, the present estimation they stand in is a state of honour and respect, consider Sir, (again meaning our said Lord the now King) in what manner you will afterwards proceed. Can you (again meaning our said Lord the now King) conceive that the people of this country will long submit to be governed by so flexible a H—— of ——! (meaning the House of Com-

 mons.)

mons.) It is not in the nature of human ſociety, that any form of government in ſuch circumſtances, can long be preſerved. In ours the general contempt of the people is as fatal as their deteſtation. Such, I am perſuaded, would be the neceſſary effect of any baſe conceſſion made by the preſent H—— of ———— (again meaning the preſent Houſe of Commons of this kingdom) and as a qualifying meaſure would not be accepted, it remains for you (again meaning our ſaid Lord the now King) to decide whether you will, at any hazard, ſupport a ſet of men, who have reduced you to this unhappy dilemma, or whether you will gratify the united wiſhes of the whole people of England, by diſſolving the P—. (meaning Parliament) Taking it for granted, as I do very ſincerely, that you (again meaning our ſaid Lord the King) have perſonally no deſign againſt the conſtitution, nor any views inconſiſtent with the good of your ſubjects, I think you cannot heſitate long upon the choice, which it equally concerns your intereſt and your honour to adopt. On one ſide, you (again meaning our ſaid Lord the now King) hazard the affections of all your Engliſh ſubjects; you relinquiſh every hope of repoſe to yourſelf, and you (again meaning our ſaid Lord the now King) endanger the eſtabliſhment of your family for ever. All this you venture for no object whatſoever, or for ſuch an object, as it would be an affront to you to name. Men of ſenſe will examine your conduct with ſuſpicion; while thoſe who are incapable of comprehending to what degree they are injured, afflict you with clamours equally inſolent and unmeaning. Suppoſing it poſſible that no fatal ſtruggle ſhould enſue, you (again meaning our ſaid Lord the preſent King) determine at once to be unhappy, without the hope of a compenſation, either from intereſt or am-

ambition. If an E———ſh (meaning Engliſh) K—— (meaning King) be hated or deſpiſed, he muſt be unhappy; and this perhaps is the only political truth, which he ought to be convinced of without experiment. But if the Engliſh people ſhould no longer confine their reſentment to a ſubmiſſive repreſentation of their wrongs; if following the glorious example of their anceſtors, they ſhould no longer appeal to the creature of the conſtitution, but to that high being who gave them the rights of humanity, whoſe gifts it were ſacrilege to ſurrender, let me aſk you, Sir, (again meaning our ſaid Lord the preſent King) upon what part of your ſubjects would you rely for aſſiſtance? The people of I—l—d (meaning Ireland) have been uniformly plundered and oppreſſed. In return, they give you every day freſh marks of their reſentment. They deſpiſe the miſerable governor you (again meaning our ſaid preſent Sovereign Lord the King) have ſent them, becauſe he is the creature of Lord Bute; nor is it from any natural confuſion in their ideas, that they are ſo ready to confound the original of a K——g (meaning King) with the diſgraceful repreſentation of him. The diſtance of the colonies would make it impoſſible for them to take an active concern in your affairs if they were as well affected to your government as they once pretended to be to your perſon. They were ready enough to diſtinguiſh between you (again meaning our ſaid preſent Sovereign Lord the King) and your miniſters. They complained of an act of the legiſlature, but traced the origin of it no higher than to the ſervants of the C——n (meaning Crown) they pleaſed themſelves with the hope that their S——r——n (meaning Sovereign) if not favourable to their cauſe, at leaſt was impartial. The deciſive perſonal part you took

againſt

againſt them, has effectually baniſhed that firſt diſtinction from their minds. They conſider you as united with your ſervants againſt A——r——a (meaning America) and know how to diſtinguiſh the S————n (meaning Sovereign) and a venal P————t (meaning Parliament) on one ſide, from the real ſentiments of the Engliſh people on the other. Looking forward to independence they might poſſibly receive you (again meaning our ſaid Lord the now King) for their K—; (meaning King) but if ever you retire to A—r—a (meaning America) be aſſured they will give you ſuch a covenant to digeſt, as the preſbytery of Scotland would have been aſhamed to offer to Charles the Second. They left their native land in ſearch of freedom, and found it in a deſart. Divided as they are, into a thouſand forms of policy and religion, there is one point in which they all agree: they equally deteſt the pageantry of a K——, (meaning King) and the ſupercilious hypocriſy of a biſhop. It is not then from the alienated affections of I—l—d (meaning Ireland) or A—r—a (meaning America) that you (again meaning our ſaid preſent Sovereign Lord the King) can reaſonably look for aſſiſtance; ſtill leſs from the people of E—l—d (meaning England) who are actually contending for their rights, and, in this great queſtion, are parties againſt you. (again meaning our ſaid preſent Sovereign Lord the King.) You (again meaning our ſaid preſent Sovereign Lord the King) are not however deſtitute of every appearance of ſupport; you (again meaning our ſaid preſent Sovereign Lord the King) have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all S—l—d (meaning Scotland) without exception. Conſidering from what family you are deſcended, the choice of your friends has been ſingularly directed; and truly,

Sir,

Sir, (again meaning our ſaid Lord the now King) if you had not loſt the whig intereſt of England, I ſhould admire your dexterity in turning the hearts of your enemies. Is it poſſible for you to place any confidence in men, who, before they are faithful to you muſt renounce every opinion, and betray every principle, both in church and ſtate, which they inherit from their anceſtors, and are confirmed in by their education? whoſe numbers are ſo conſiderable, that they have long ſince been obliged to give up the principles and language which diſtinguiſhed them as a party and to fight under the banners of their enemies? their zeal begins with hypocriſy and muſt conclude in treachery. At firſt they deceive; at laſt they betray. As to the Scotch, I muſt ſuppoſe your heart and underſtanding ſo biaſſed, from your earlieſt infancy, in their favour, that nothing leſs than your own misfortunes can undeceive you. You (again meaning our ſaid preſent Sovereign Lord the King) will not accept of the uniform experience of your anceſtors; and when once a man is determined to believe, the very abſurdity of the doctrine confirms him in his faith. A bigotted underſtanding can draw a proof of attachment to the Houſe of H—n—r (meaning Hanover) from a notorious zeal for the houſe of Stuart, and find an earneſt of future loyalty in former rebellions. Appearances are however in their favour; ſo ſtrongly indeed, that one would think they had forgotten that you are their lawful K——, (meaning King) and had miſtaken you for a pretender to the C——n. (meaning Crown) Let it be admitted then, that the Scotch are as ſincere in their preſent profeſſions, as if you were in reality not an Engliſhman, but a Briton of the North, you would not be the firſt P——e (meaning Prince) of their native country againſt whom they have rebelled,

rebelled, nor the firſt whom they have baſely betrayed. Have you (meaning our ſaid Lord the now King) forgotten, Sir, or has your favourite concealed from you that part of our hiſtory, when the unhappy Charles (and he too had private virtues) fled from the open avowed indignation of his Engliſh ſubjects, and ſurrendered himſelf at diſcretion to the good faith of his own countrymen. Without looking for ſupport in their affections as ſubjects, he applied only to their honour, as gentlemen, for protection. They received him as they would your M——y (meaning Majeſty) with bows, and ſmiles, and falſhood, and kept him until they had ſettled their bargain with the Engliſh Parliament; then baſely ſold their native K— (meaning King) to the vengeance of his enemies. This, Sir, was not the act of a few traitors, but the deliberate treachery of a Scotch Parliament repreſenting the nation. A wiſe P—ce (meaning Prince) might draw from it two leſſons of equal utility to himſelf; on one ſide he might learn to dread the undiſguiſed reſentment of a generous people, who dare openly aſſert their rights, and who, in a juſt cauſe, are ready to meet their S——n (meaning Sovereign) in the field; on the other ſide, he would be taught to apprehend ſomething far more formidable—a fawning treachery, againſt which no prudence can guard, no courage can defend. The inſidious ſmiles upon the cheek would warn him of the canker in the heart. From the uſes, to which one part of the army has been too frequently applied, you (again meaning our ſaid Lord the now King) have ſome reaſon to expect, that there are no ſervices they would refuſe. Here too we trace the partiality of your underſtanding. You take the ſenſe of the army from the conduct of the Guards, with the ſame juſtice with which you col-

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lect the ſenſe of the people from the repreſentations of the miniſtry. Your Marching Regiments, Sir, (again meaning our ſaid Lord the now King) will not make the Guards their example either as ſoldiers or ſubjects. They feel and reſent, as they ought to do that invariable, undiſtinguiſhing favour with which the Guards are treated, while thoſe gallant troops, by whom every hazardous, every laborious ſervice is performed, are left to periſh in garriſons abroad, or pine in quarters at home, neglected and forgotten. If they had no ſenſe of the great original duty they owe their country, their reſentment would operate like patriotiſm, and leave your cauſe to be defended by thoſe to whom you (again meaning our ſaid preſent Sovereign Lord the King) have laviſhed the rewards and honours of their profeſſion. The prætorian bands, enervated and debauched as they were, had ſtill ſtrength enough to awe the Roman populace: but when the diſtant legions took the alarm, they marched to Rome, and gave away the empire. On this ſide then, which ever way you (again meaning our ſaid Lord the now King) may determine to ſupport the very miniſtry who have reduced your affairs to this deplorable ſituation: you may ſhelter yourſelf under the forms of a P————t (meaning Parliament) and ſet your people at defiance. But be aſſured, Sir, that ſuch a reſolution would be as imprudent as it would be odious. If it did not immediately ſhake your eſtabliſhment, it would rob you of your peace of mind for ever. On the other, how different is the proſpect! how eaſy, how ſafe and honourable is the path before you! the Engliſh nation declare they are groſly injured by their repreſentatives, and ſolicit your M—— (meaning Majeſty) to exert your lawful prerogative, and give them an opportunity of recalling a truſt

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which, they find, has been ſo ſcandalouſly abuſed. You are not to be told that the power of the H— of ——— (meaning Houſe of Commons) is not original, but delegated to them for the welfare of the people, from whom they receive it. A queſtion of right ariſes between the conſtituent and the repreſentative body. By what authority ſhall ſhall it be decided ? will your M——y (meaning Majeſty) interfere in a queſtion in which you have properly no immediate concern ? it would be a ſtep equally odious and unneceſſary, ſhall the Lords be called upon to determine the rights and priviledges of the Commons ? They cannot do it without a flagrant breach of the conſtitution. Or will you (again meaning our ſaid Lord the now King) referr it to the judges ? They have often told your anceſtors, that the law of Parliament is above them. What party then remains but to leave it to the people to determine for themſelves ? they alone are injured ; and ſince there are no ſuperior power to which the cauſe can be referred, they alone ought to determine. I do not mean to perplex you (again meaning our ſaid preſent Sovereign Lord the King) with a tedious argument upon a ſubject already ſo diſcuſſed, that inſpiration could hardly throw a new light upon it There are, however, two points of view, in which it particularly imports your M—— (meaning Majeſty) to conſider the late proceedings of the H— of ——— (meaning Houſe of Commons) By depriving a ſubject of his birthright, they have attributed to their own vote an authority equal to an act of the whole legiſlature ; and though perhaps not with the ſame motives, have ſtrictly followed the example of the long Parliament, which firſt declared the regal office uſeleſs, and ſoon after with as little ceremony, diſſolved the Houſe of Lords. The ſame pretended power

which

which robs an Engliſh ſubject of his birthright, may rob an Engliſh K— (meaning King) of his C——n (meaning Crown) In another view, the reſolution of the H—— of ——— (meaning Houſe of Commons) apparently not ſo dangerous to your M——, (meaning Majeſty) is ſtill more alarming to your people. Not contented with diveſting one man of his right, they have arbitrarily conveyed that right to another. They have ſet aſide a return as illegal, without daring to cenſure thoſe officers who were particularly apprized of Mr. Wilkes's incapacity, not only by the declaration of the H— (meaning the ſaid Houſe) but expreſsly by the writ directed to them, but who nevertheleſs returned him as duly elected. They have rejected the majority of votes, the only criterion by which our laws judge of the ſenſe of the people; they have transferred the right of election from the collective to the repreſentative body; and by theſe acts, taken ſeparately or together, they have eſſentially altered the original conſtitution of the H—— of C——— (meaning Houſe of Commons) verſed, as your M—— (meaning Majeſty) undoubtedly is, in the Engliſh Hiſtory, it cannot eaſily eſcape you, how much it is your intereſt, as well as your duty to prevent one of the three eſtates from encroaching upon the province of the other two, or aſſuming the authority of them all. When once they have departed from the great conſtitutional line, by which all their proceedings ſhould be directed, who will anſwer for their future moderation? Or what aſſurance will they give you (again meaning our ſaid preſent Sovereign Lord the King) that, when they have trampled upon their equals, they will ſubmit to a ſuperior? Your M—— (meaning Majeſty) may learn hereafter, how nearly the ſlave and tyrant are allied. Some of your Council,

more candid than the reſt, admit the abandoned profligacy of the preſent H—— of ——— (meaning Houſe of Commons) but oppoſe their diſſolution upon an opinion, I confeſs not very unwarrantable, that their ſucceſſors would be equally at the diſpoſal of the treaſury. I cannot perſuade myſelf that the nation will have profited ſo little by experience. But if that opinion were well founded, you (again meaning our ſaid preſent Sovereign Lord the King) might then gratify our wiſhes at an eaſy rate, and appeaſe the preſent clamours againſt your government, without offering any material injury to the favourite cauſe of corruption. You (again meaning our ſaid preſent Sovereign Lord the King) have ſtill an honourable part to act. The affections of your ſubjects may ſtill be recovered. But before you (again meaning our ſaid preſent Sovereign Lord the King) ſubdue their hearts, you muſt gain a noble victory over your own. Diſcard thoſe little perſonal reſentments which have too long directed your public conduct. Pardon this man the remainder of his puniſhment, and if reſentment ſtill prevails, make it what it ſhould have been long ſince, an act, not of mercy, but contempt. He will ſoon fall back into his natural ſtation, a ſilent ſenator, and hardly ſupporting the weekly eloquence of a news-paper. The gentle breath of peace would leave him on the ſurface, neglected and unremoved. It is only the tempeſt that lifts him from his place. Without conſulting your Miniſter, call together your whole Council. Let it appear to the public that you can determine and act for yourſelf. Come forward to your people. Lay aſide the wretched formalities of a K—— (meaning King) and ſpeak to your ſubjects with the ſpirit of a man and in the language of a gentleman. Tell them you (again meaning our ſaid

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preſent Sovereign Lord the King) have been fatally deceived. The acknowledgement will be no diſgrace, but rather an honour to your underſtanding. Tell them you are determined to remove every cauſe of complaint againſt your government; that you will give your confidence to no man who does not poſſeſs the confidence of your ſubjects; and that you (again meaning our ſaid preſent Sovereign Lord the King) will leave it to themſelves to determine, by their conduct at a future election, whether or not it be in reality the general ſenſe of the nation, that their rights have been arbitrarily invaded by the preſent H—— of C——— (meaning Houſe of Commons) and the Conſtitution betrayed. They will then do juſtice to their repreſentatives and to themſelves. Theſe ſentiments, Sir, (again meaning our ſaid preſent Sovereign Lord the King) and the ſtile they are conveyed in, may be offenſive perhaps becauſe they are new to you. Accuſtomed to the language of courtiers, you meaſure their affections by the vehemence of their expreſſions; and when they only praiſe you indirectly you admire their ſincerity. But this is not a time to trifle with your fortune. They deceive you Sir, (again meaning our ſaid preſent Sovereign Lord the King) who tell you that you (again meaning our ſaid Lord the King) have many friends, whoſe affections are founded upon a principle of perſonal attachments. The firſt foundation of friendſhip is not the power of conferring benefits, but the equality with which they are received, and may be returned. The fortune which made you (again meaning our ſaid preſent Sovereign Lord the King) a King (meaning King) forbad you to have a friend. It is a law of nature which cannot be violated with impunity. The miſtaken P——e (meaning Prince) who

who looks for friendſhip, will find a favourite, and in that favourite the ruin of his affairs. The people of E—gl—d (meaning England) are loyal to the Houſe of Ha—ver (meaning Hanover) not from a vain preference of one family to another, but from a conviction that the eſtabliſhment of that family was neceſſary to the ſupport of their civil and religious liberties. This, Sir, (again meaning our ſaid preſent Sovereign Lord the King) is a principle of allegiance equally ſolid and rational, fit for Engliſhmen to adopt, and well worthy your M——y's (meaning Majeſty's) encouragement. We cannot long be deluded by nominal diſtinctions. The name of Stuart itſelf is only contemptible ;—armed with the ſovereign authority their principles were formidable. The Prince who imitates their conduct ſhould be warned by their example ; and while he plumes himſelf upon the ſecurity of his title to the crown, ſhould remember, that as it was acquired by one revolution, it may be loſt by another. JUNIUS. To the great ſcandal and diſhonour of our ſaid preſent Sovereign Lord the King and of his adminiſtration of the government of this kingdom. To the great ſcandal and diſhonour of the ſaid preſent Houſe of Commons of this kingdom ; and alſo to the great ſcandal and diſgrace of the ſaid principal officers and miniſters of our ſaid Lord the King employed and entruſted by our ſaid Lord the King in the managing and conducting the weighty and arduous affairs of this kingdom. To the great diſturbance of the public peace and tranquility of this kingdom. In contempt of our ſaid Lord the King and his laws. To the evil and pernicious example of all others in the like caſe offending ; and alſo againſt the peace of our ſaid Lord the King his crown and dignity. And the ſaid Attorney-General of our ſaid Lord the King

for

for our ſaid Lord the King giveth the Court here further to underſtand and be informed that the ſaid John Almon *again diſregarding the laws of this kingdom and the public peace good order and government thereof and moſt unlawfully ſeditiouſly and maliciouſly contriving and intending by wicked artful ſcandalous and malicious ſuppoſitions alluſions and inſinuations to diſturb the happy ſtate and publick peace and tranquility of this kingdom and moſt inſolently audaciouſly and unjuſtly to aſperſe ſcandalize and vilify our ſaid preſent Sovereign Lord the King and to repreſent and to cauſe it to be believed* that our ſaid Lord the King had by his meaſures of government loſt the affections of his ſubjects in that part of Great Britain called England and in Ireland and in his dominions of America and brought the public affairs of this kingdom into a moſt diſtreſſed diſgraceful and lamentable ſtate and condition. And alſo *moſt unlawfully and maliciouſly contriving and intending to repreſent and cauſe it to believed* that our ſaid Lord the King had beſtowed promotions and favours upon his ſubjects of that part of his kingdom of Great Britain called Scotland in preference to his ſubjects of that part of Great Britain called England and thereby to create groundleſs jealouſies and uneaſineſſes in his Majeſty's ſubjects of England aforeſaid. And alſo *moſt unjuſtly to repreſent and to cauſe it to be believed* that our ſaid Lord the King had beſtowed promotions and favours upon one part of his ſaid Majeſty's army commonly called the guards in preference to another part of his army commonly called the marching regiments and thereby to create groundleſs jealouſies uneaſineſs and mutiny and deſertion in that part of his army called the marching regiments and to bring our ſaid Lord the King and his adminiſtration of the government of this kingdom into the utmoſt diſhonour and contempt

and

and to poiſon and inffect the minds of his Majeſty's ſubjects with notions and opinions of our ſaid Lord the King highly unworthy of our ſaid Lord the King and of that paternal love and concern which he has always ſhewed and expreſſed for all his ſubjects as if our ſaid Lord the King had unjuſtly taken a part with ſome of his ſubjects againſt others and had unjuſtly proſtituted the meaſures of his government to gratify perſonal reſentments and alſo thereby *as much as in him the ſaid John Almon lay to alienate and withdraw from our ſaid Lord the King that cordial love allegiance and fidelity which every ſubject* of our ſaid Lord the King ſhould and of right ought to have and ſhew towards our ſaid Lord the King And alſo *as much as in him the ſaid John Almon lay to move excite and ſtir up the ſubjects of our ſaid Lord the King to inſurrection and rebellion be the the ſaid John Almon afterwards (that is to ſay) upon the ſaid firſt day of January in the* 10*th year aforeſaid with force and arms at the pariſh aforeſaid and within the liberty aforeſaid in the ſaid county of Middleſex unlawfully wickedly ſeditiouſly and maliciouſly did publiſh and cauſe and procure to be publiſhed a certain other ſcandalous ſeditious and malicious libel* In which ſaid laſt mentioned libel of and concerning our ſaid Lord the King and of his adminiſtration of the government of this kingdom And alſo of and concerning the public affairs of this kingdom are contained amongſt other things divers ſcandalous ſeditious and malicious matters (that is to ſay) in one part thereof according to the tenor following When you (meaning our ſaid Lord the King) affectedly renounced the name of Engliſhman, believe me, Sir, (again meaning our ſaid Lord the King) you were perſuaded to pay a very ill-judged compliment of one part of your ſubjects at the expence of another. While the natives of Scotland (meaning that part

of

of Great Britain called Scotland) are not in actual rebellion, they are undoubtedly intitled to protection; nor do I mean to condemn the policy of giving ſome encouragement to the novelty of their affections for the houſe of Hanover. I am ready to hope for every thing from their new born zeal, and from the future ſteadineſs of their allegiance. But hitherto they have no claim to your favour. To honour them with a determined predilection and confidence, in excluſion of your Engliſh ſubjects (meaning the ſubjects of our ſaid Lord the King in that part of Great Britain called England) who placed your family, and, in ſpite of treachery and rebellion, have ſupported it upon the Th—ne (meaning Throne) is a miſtake too groſs even for the unſuſpecting generoſity of youth. In this error we ſee a capital violation of the moſt obvious rules of policy and prudence. We trace it, however, to an original bias in your education, and are ready to allow for your inexperience. And in another part of the ſaid laſt mentioned libel according to the tenor following: it is not then from the alienated affections of I—l—d (meaning Ireland) or A—r—a (meaning America) that you (again meaning our ſaid Lord the now King) can reaſonably look for aſſiſtance; ſtill leſs from the people of E—l—d, (meaning England) who are actually contending for their rights, and, in this great queſtion, are parties againſt you (again meaning our ſaid Lord the now King) you (again meaning our ſaid Lord the now King) are not however deſtitute of every appearance of ſupport: you (again meaning our ſaid Lord the now King) have all the Jacobites, Nonjurors, Roman Catholics, and Tories of this country, and all S—l—d (meaning that part of Great Britain called Scotland) without exception. And in another part of the ſaid laſt mentioned libel according to the te-

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nor following. From the uſes to which one part of the army (meaning the army of our ſaid Lord the King) has been too frequently applied, you (again meaning our ſaid Lord the now King) have ſome reaſon to expect, that there are no ſervices they would refuſe. Here too we trace the partiality of your (again meaning our ſaid Lord the King's) underſtanding. You (again meaning our ſaid Lord the King) take the ſenſe of the army from the conduct of the Guards, (meaning the ſaid part of the army of our ſaid Lord the King called the Guards) with the ſame juſtice with which you (again meaning our ſaid Lord the King) collect the ſenſe of the people from the repreſentations of the Miniſtry. Your Marching Regiments (meaning the ſaid other part of the army of our ſaid Lord the King called the Marching Regiments) Sir, (again meaning our ſaid Lord the now King) will not make the Guards their example either as ſoldiers or ſubjects. They feel and reſent as they ought to do, that invariable undiſtinguiſhing favour with which the Guards are treated; while thoſe gallant troops, by whom every hazardous, every labourious ſervice is performed are left to pariſh in garriſons abroad, or pine in quarters at home, neglected and forgotten. If they had no ſenſe of the great original duty they owe to their country, their reſentment would operate like patriotiſm, and leave your cauſe to be defended by thoſe to whom you (again meaning our ſaid Lord the King) have laviſhed the rewards and honours of their profeſſion. The prætorian bands, enervated and debauched as they were, had ſtill ſtrength enough to awe the Roman populace: but when the diſtant legions took the alarm, they marched to Rome and gave away the empire. And in another part of the ſaid laſt mentioned libel according

ing to the tenor following. You (again meaning our ſaid Lord the now King) have ſtill an honourable part to act. The affections of your ſubjects may ſtill be recovered. But before you (again meaning our ſaid Lord the now King) ſubdue their hearts, you (again meaning our ſaid Lord the now King) muſt gain a noble victory over your own. Diſcard thoſe little perſonal reſentments which have too long directed your public conduct. And in another part of the ſaid laſt mentioned libel according to the tenor following. The people of E—gl—d (meaning England) are loyal to the Houſe of Ha—ver (meaning Hanover) not from a vain preference of one family to another, but from a conviction that the eſtabliſhment of that family was neceſſary to the ſupport of their civil and religious liberties. This Sir (again meaning our ſaid Lord the now King) is a principle of allegiance equally ſolid and rational, fit for Engliſhmen to adopt and well worthy your M———y's (meaning Majeſty's) encouragement. We cannot long be deluded by nominal diſtinctions. The name of Stuart itſelf, is only contemptible;——armed with the ſovereign authority, their principles were formidable. The Prince who imitates their conduct ſhould be warned by their example; and while he plumes himſelf upon the ſecurity of his title to the crown, ſhould remember, that as it was acquired by one revolution, it may be loſt by another. JUNIUS.

To the great ſcandal and diſhonour of our ſaid preſent Sovereign Lord the King and of his Adminiſtration of the government of this kingdom. To the great diſturbance of the public peace order and government of this kingdom. In contempt of our ſaid Lord the King and his laws. To the evil and pernicious example of all others in the

like caſe offending; and alſo againſt the peace of our ſaid Lord the King his crown and dignity. And the ſaid Attorney-General of our ſaid Lord the King for our ſaid Lord the King giveth the Court here further to underſtand and be informed *that he the ſaid John Almon being ſuch perſon as aforeſaid and further moſt inſolently audaciouſly wickedly and maliciouſly contriving and intending as aforeſaid and the ſooner to accompliſh perfect and bring to effect his ſaid moſt unlawful wicked and ſeditious purpoſes afterwards (that is to ſay) upon the ſaid firſt day of January in the ſaid tenth year of the reign of our ſaid Lord the King with force and arms at the pariſh aforeſaid within the liberty aforeſaid in the county aforeſaid out of his further malice towards our ſaid Lord the King and to his Adminiſtration of the government of this kingdom and alſo out of his further malice towards the ſaid preſent Houſe of Commons of this kingdom a certain other wicked ſcandalous ſeditious and malicious libel intitled*——The London Muſeum of Politics Miſcellanies, and Literature——*did unlawfully wickedly ſeditiouſly and maliciouſly publiſh and did cauſe and procure to be publiſhed in which ſaid libel laſt above mentioned He the ſaid John Almon hath by ſuch wicked artful ſcandalous and malicious alluſions ſuppoſitions and inſinuations as aforeſaid moſt unlawfully wickedly and maliciouſly aſperſed ſcandalized and vilified our ſaid preſent Sovereign Lord the King and his Adminiſtration of the government of this kingdom and hath thereby as much as in him the ſaid John Almon lay endeavoured to bring our ſaid Lord the King and his Adminiſtration of the government of this kingdom into the utmoſt diſhonour hatred and contempt with his ſubjects and to poiſon and infect the minds of his Majeſty's ſubjects with notions and ſentiments highly uuworthy of our ſaid Lord the King. And*

both

hath alſo by that means (as much as in him the ſaid John Almon lay) endeavoured to alienate and withdraw from our ſaid Lord the King that cordial love allegiance and fidelity which every true and faithful ſubject of our ſaid Lord the King ſhould and of right ought to bear towards our ſaid Lord the King and hath alſo by that means (as much as in him the ſaid John Almon lay) attempted to move excite and ſtir up the ſubjects of our ſaid Lord the King to a moſt unnatural inſurrection againſt our ſaid Lord the King and in which ſaid libel laſt above mentioned he the ſaid John Almon hath alſo by ſuch wicked artful ſcandalous and malicious alluſions ſuppoſitions and inſinuations as aforeſaid moſt unlawfully wickedly and maliciouſly traduced ſcandalized and vilified the preſent Houſe of Commons of this kingdom and hath moſt audaciouſly wickedly and falſly repreſented the ſaid preſent Houſe of Commons a A MOST VILE PROFLIGATE ABANDONED WICKED ARBITRARY VENAL AND DETESTABLE SET OF MEN *and hath thereby (as much as in him the ſaid John Almon lay) endeavoured to fill and poſſeſs the minds of all ~~the~~ people of this kingdom with notions and opinions of the preſent Houſe of Commons highly unworthy of the ſaid preſent Houſe of Commons and hath alſo thereby (as much as in him the ſaid John Almon lay) attempted to bring the ſaid preſent Houſe of Commons into the utmoſt contempt hatred ſcorn and diſlike and by that means to weaken and diminiſh the public credit and authority of that Houſe to the great ſcandal and diſhonour of our ſaid Lord the King and of his Adminiſtration of the government of this kingdom And alſo to the great ſcandal and diſhonour of the ſaid Houſe of Commons In contempt of our ſaid Lord the King and his laws To the great diſturbance of the public peace and tranquillity of this kingdom To the evil and pernicious example of all others in the like caſe offending And alſo againſt the peace of our*

ſaid

ſaid Lord the King his crown and dignity. Whereupon the ſaid Attorney-General of our ſaid Lord the King who for our ſaid Lord the King in this behalf proſecuteth for our ſaid Lord the King prayeth the conſideration of the Court here in the premiſes and that due proceſs of law may be awarded againſt him the ſaid John Almon in this behalf to make him anſwer to our ſaid Lord the King touching and concerning the premiſes aforeſaid.

To which information the Defendant pleaded NOT GUILTY.

[Informations for publiſhing the ſame paper were at the ſame time filed againſt Mr. Henry Woodfall (the original printer and publiſher of it) in the Public Advertiſer of the 19th of December, 1769. Mr. John Miller, for reprinting it in the London Evening Poſt, publiſhed in the evening of the ſame day. Mr. Charles Say, for reprinting it in the Gazetteer of the 20th of December 1769. Mr. George Robinſon, for reprinting it in the Independent Chronicle of the ſame day. And Mr. Henry Baldwin, for reprinting it in the St. James's Chronicle of the 21ſt of the ſaid month. And although Mr. Almon did not ſell the London Muſeum, (which is a monthly Magazine) containing the ſaid paper, till the firſt day of January, 1770, (according to the information) yet he was brought *firſt* to trial.

In Eaſter Term following, a Special Jury, at the inſtance of the Attorney-General, was ſtruck in the Crown Office, before the Maſter; and the trial was appointed for Saturday, the ſecond day of June, 1770, being the Sittings after Term.]

IN

IN one of the public prints, the following ſenſible obſervations were made on the Attorney-General's conduct in this trial, and the ſubſequent trial of Mr. Woodfall, the *original* publiſher.

" It may ſeem extraordinary to ſome, that upon Mr. Woodfall's trial, Mr. Attorney-General ſhould employ the greateſt part of his harangue in a juſtification of his own conduct: what had the Jury to do with his motives? and how ridiculous was it in Mr. Attorney, to deſire to clear up his own *intentions* to the Jury, whilſt he was inſtructing them to pay no regard to, and to have no conſideration of, the *intentions* of the defendant?

" Beſides, Mr. Attorney does not tell us who had accuſed him, or of what he was accuſed. It is my buſineſs to ſupply his omiſſion. His own conſcience ſmote him for the trial of Mr. Almon. Mr. De Grey, Member for Norfolk, the Attorney-General's brother, had impudently and ignorantly branded the Electors of Weſtminſter, for their petition to his Majeſty, as *ſeditious and baſe-born Bookſellers and Mechanics.* Mr. Serjeant Glynn defended the electors, and reproved Mr. De Grey for his inſolence. The electors of Weſtminſter publicly returned their thanks to the Serjeant,

and

and amongſt them Mr. Almon was ſtrenuous for theſe thanks, perhaps the moſt ſtrenuous, becauſe he muſt be ſenſible, from the part he had before taken in the petition to the Throne, that the term, *baſe-born Bookſeller*, was eſpecially aimed at him. This was Mr. Attorney-General's motive for ſelecting Mr. Almon from the reſt, though he only ſold the letter, as every other bookſeller had done, in a miſcellaneous magazine, after it had appeared in all the news-papers. Mr. De Grey, Member for Norfolk, under the ſhelter of privilege, pours out abuſe upon an Engliſh elector, for exerciſing his franchiſe. If the man reſents it only by telling the ſtory, and returning thanks to thoſe who defend him, his brother, Mr. Attorney-General, by virtue of an unjuſt, aſſumed power, takes the firſt opportunity to ruin him, *ex officio*, by filing an information. Mr. Attorney-General, no doubt, had another motive for wiſhing to try the cauſe in Weſtminſter firſt, before the original publiſher was tried in London. The Juries in Weſtminſter, it is well known, are generally, for very good reaſons, more complaiſant to the Court than the London Juries: even the foreman of Mr. Almon's Jury has a place in the War-office. On Mr. Almon's trial, the Attorney-General declared, that *he ſhould certainly have tried the original publiſher firſt; that he wiſhed to have done ſo, and was only prevented by an affidavit of the ſickneſs of the original publiſher* *. Mr. Attorney

* Several perſons preſent on the trial, think this part of the Attorney-General's ſpeech more accurately ſtated here, than in the ſhort-hand writer's notes. But the editor did not chuſe to alter the manuſcript. However, the obvious meaning is the ſame. And, if it is wrong, the Attorney-General

torney knew, that the original publiſher had never pleaded ſickneſs, and therefore expecting now that this falſhood would be objected to him, pretended not to know the name of the man he was now trying, and againſt whom he had himſelf filed the information; he calls him Mr—*what's his name?* When the by-ſtanders told him Woodfall,—"Aye, ſays he, Mr. Woodfall." This trick is too groſs to be expoſed farther than by relating it.

"Mr. Attorney-General pretended, that, *in the objects of proſecution, he endeavoured to make a diſtinction, and to paſs by thoſe who were poor, or had large families of children, &c.* Monſtrous declaration! The two firſt perſons whom he brought to trial, Mr. Almon and Mr. Woodfall, are far from being rich, have families of very young children, the ſupport of their families depends entirely on their own daily and unremitting induſtry in their trade, their places cannot be filled up by others, and impriſonment cutting off the only ſource of their ſupply, muſt make them poor indeed.

"Mr. Attorney-General *declared upon his honour as a man, that he had no motive to urge him againſt any particular publiſher.* Come forward, and tell the world, upon what motive Mr. Almon was *ſingled* out, and upon what principle of juſtice he was tried *firſt*,—for *ſelling only.*

"Mr. Attorney-General ſaid, *as for who was the Author of Junius, that he could by no means diſcover, that remained an impenetrable ſecret.* Mr. Attorney-General never demanded the name of the author·

General may eaſily exculpate himſelf, by appealing to the notes of Mr. Gurney, who took this trial in ſhort hand for the Treaſury.

author. He does not wiſh to proſecute the author. He follows Lord Mansfield's plan of proſecuting publiſhers and bookſellers only. His Lordſhip has frequently recommended this method, even from the bench. He knows that publiſhers and bookſellers only exerciſe a trade, and have no other motives or intentions than to procure the emoluments ariſing from their trade. Multiply therefore proſecutions on the trade, and you will effectually ſtop publication."

THE

THE TRIAL OF JOHN ALMON, BOOKSELLER;

Upon an Information, filed EX OFFICIO, *by* William De Grey, Esq; *his Majesty's Attorney-General,*

For selling the London Museum, containing Junius's Letter to the ——.

Before the Rt. Hon. WILLIAM LORD MANSFIELD, and a SPECIAL JURY, in the Court of King's-Bench, Westminster, on the second day of June, 1770.

Council for the King.	*Council for the Defendant.*
The Attorney-General,	Mr. Serjeant Glynn
The Solicitor-General,	Mr. Davenport.
Mr. Moreton	
Mr. Wallace	
Mr. Dunning	
Mr. Walker.	
Solicitors, Messrs. Nuttall and Francis.	*Solicitor*, Mr. Martyn.

Special Jury.

Leonard Morſe, of Queen-Anne-ſtreet, Eſq;
Herbert Mackworth, of Cavendiſh-ſquare, Eſq;
John Anderſon, of Henrietta-ſtreet, Cavendiſh-ſquare, Eſq;
John Gould, of Hart-ſtreet, Eſq;
Joſiah Holford, Southampton-row, Eſq;
Chriſtopher Lethieulier, of the ſame, Eſq;
Robert Cary, of Hampſtead, Eſq;
Gerrard Howard, of the ſame, Eſq;
Benjamin Booth, of Lincoln's-Inn-fields, Eſq;
George Kent, of Teddington, Eſq;
Edward Lovibond, of Hampton, Eſq;

Taleſman *.

John Stillwell, Corn-chandler, of Ruſſel-ſtreet, Covent-garden.

Mr. *Walker opened* by reading the record. After him, Mr. *Attorney-General* proceeded as follows :

May it pleaſe your Lordſhip, and you gentlemen of the Jury. I have thought it my duty to bring before you a publication of this libel, a publication which I believe would be permitted in no civilized country in the world, to paſs unnoticed or unpuniſhed. The laws of this country protect its inhabitants,——the character of every ſubject; the public peace requires it. In proportion as men's characters riſe in the world, and are

* Only eleven of the Special Jury attending, the Court were obliged to have recourſe to the Common Jury, and the name of the above Taleſman was drawn out of the box.

are fixed with public government, the defamatory writings affecting their characters and conduct, tend ſtill more to break the public peace, which is intimately connected with their conduct. But the great orders of the ſtate, and the majeſty of the throne, can never be the ſubject of detraction of libels, without injuring the public peace in the greateſt degree, without breaking thoſe bonds which tie men together, and exciting the ſubjects to ſedition. The charge that is brought againſt the defendant with regard to this publication, contains two propoſitions : the one, that the publication concerns the King ; his adminiſtration of government ; of public affairs of the nation ; the great officers employed in government ; and the members of the Houſe of Commons.—It likewiſe contains another propoſition, *that the defendant publiſhed this writing*.—Theſe are the two points, which it is neceſſary for thoſe who ſupport the information, to prove to your ſatisfaction, and that is all that is neceſſary for them to do. In this particular inſtance, there is perhaps leſs neceſſity to trouble you much, becauſe the author of this paper has left very little to inſinuation or ſuggeſtion : The mode and ſhape in which libels are written, don't in any inſtance vary the offence of figurative expreſſion, which is as intelligible as a ſimple one.—Ironical expreſſions will deſcribe and expreſs the intention of the writer or ſpeaker, as clear and as plain as direct ones. Whether they do ſo or not, where they are ironical or figurative, depends upon your conſideration, from the circumſtances of the caſe, and the evidence that is laid before you. If there are aſteriſms, initial letters, or terminations, they may throw no diſguiſe on the meaning; if they do, they diſappoint the intention of the writer ; nor are Courts of Juſtice ſo precariouſly formed, to miſ-

take

take the meaning of what all the reſt of the world would underſtand; and to ſhut their eyes againſt that, which is plain to every body elſe. All that I have to do at preſent, will be to ſhew, that the expreſſions uſed in this paper, do concern the King; his adminiſtration of government; of the public affairs of the nation; the members of the Houſe of Commons; and the public officers of ſtate.—In order to ſhew this, it will be neceſſary to mention to you, ſome few of thoſe paſſages, the *whole* of which you have heard already; and I think that it is impoſſible for any man to doubt a moment about the meaning of the writer, and the application of the expreſſions which he has uſed. That I may be ſure I do not err, and put a ſtronger ſenſe on the words than the writer himſelf has uſed, I will endeavour as far as I can, in the paſſages that are alluded to, to mention the very terms of the paper. Can any man doubt, what was the meaning of the writer of this paper, when he ſays, "I am ſpeaking of the errors of his "education, the pernicious leſſons of his youth, "the partiality of his underſtanding;" and which underſtanding in another place he ſays, "he has "not in one moment of his life conſulted; that he "was never acquainted with the language of "truth, 'till he heard it in the complaints of his "people; that he had deſcended to take a ſhare "in the intereſt of particular perſons, and in the "fatal malignity of their paſſions: he calls upon "him to hear with firmneſs his own paſſions and "prejudices of perſonal reſentment, with which "he has directed his public conduct, and he "openly charges him with a continual violation "of the laws."

I will not take up your time to prove to you the application of theſe expreſſions to the King, becauſe I will not do your underſtandings the diſ-

credit

credit to ſuppoſe you have a moment's doubt upon that.—When he ſpeaks of the great aſſembly of the nation, he ſays they are people who conſider their duty to the Crown, being repreſentatives of the people, as their firſt obligation, and he arraigns them of venality. When he ſpeaks of the public affairs of the kingdom, he ſays, "that England was ſold to France, and that the King at the ſame time was betrayed; that he was ſacrificed to the paſſions and prejudices of others; that the miniſters have reduced him to ſuch a ſituation, that he can neither do wrong without ruin, nor right without affliction; the Iriſh are plundered and oppreſſed; the King has united with his ſervants againſt the Americans, whoſe affections are all united; the Engliſh are actually contending for their rights, and are parties againſt him in the quarrel."—Theſe are ſome of thoſe public affairs which he thus reveals, traduces, and miſrepreſents: and, as if this were not enough, he endeavours to ſet in oppoſition, to diſ-unite, and to irritate and ſet againſt each other, the different dominions belonging to the Crown—different denominations and deſcriptions of men in the ſame dominions, and different parts of the ſame profeſſions in the ſame nation; he bids a part of the army *feel* and *reſent* that they are periſhing in garriſons, or pining in quarters, neglected and forgotten. If one ſhould aſk one's ſelf, what could be the motive of this man, and to what purpoſe was all this? could he thus mean to apply theſe expreſſions to the public affairs of the kingdom—to the Houſe of Commons—to the King's miniſters—to the Sovereign himſelf? Why ſhould he do it?—What the motive?—Who is he? produce him! perhaps we may gueſs!—but there is no country in the world, that does not at ſome times (and no country more likely in the

the world than a country of free liberty to) produce men who act from various motives; their motives are different to those who are to judge of their actions; their actions, are what are to decide on their conduct.——Whether the anonymous writer of this paper, and those, who by publishing support him, act from any desperate situation of their fortune—from any malignity of heart—from any perverseness of understanding—from a low and contemptible ambition of being dishonourably distinguished—whatever the meaning may be, that is not now material for your consideration.—It is sufficient that there may be such men in the world—the question now before you is, whether there is now such a man? the present question is *whether the man now complained of, has actually published this paper?* but if his views are to be considered, if he had thus, as he hoped, dis-united every part of his Majesty's dominions, and left them abandoned and deserted: What follows, (if it was not from the impossibility of any man's conceiving the least foundation for what was said) should rather be suppressed than repeated:—Say to what all this tends! see how undisguisedly, how expressly, and in words he has presumed, after he has disunited and provoked the people, to provoke and irritate the Sovereign; he says, "the circumstances to which you are reduced, admit of no compromise with the English nation; all qualifying measures will disgrace you more than open violence; supposing it possible that no fatal struggle should ensue, you determine at once to be unhappy; for an English King *hated* or *despised*, must be unhappy."—*This*, said of a man, *such* a man, that there is not one among us, whose heart would not glow to think, that he had such a son, or such a father!—"It is barely possible that a fatal struggle

ſtruggle ſhould enſue!" it is but a ſuppoſition! It is but a poſſibility! What is that fatal ſtruggle but *ſedition*, or a *civil war?* and if *that* does *not* happen, then *you*, a hated and deſpiſed King, muſt be unhappy;——" but if they ſhould " no longer confine their reſentment to a ſubmiſſive " repreſentation of wrongs; if, following the " glorious example of their anceſtors, they ſhould " no longer appeal to the creature of the conſti- " tution, but to that high being who gave them " the rights of humanity, and whoſe gifts it were " *ſacrilege* to ſurrender;"——ſo, then the ſubject has ſuſtained wrongs; their rights have been violated; it was glorious in our anceſtors to ſtand againſt the Crown, when they had received wrongs, and their rights were violated! then, it is glorious not to appeal to the Sovereign, the creature of the conſtitution, but to that high being, who gave them the rights of humanity—here he cloſes it; " it is not merely treachery, it is not perfidy, it " is not—but, it is *ſacrilege*, to ſurrender thoſe " rights which have been thus injured;"—but, as if *this* would not do, he reminds him of the *Stuarts*, and bids him remember, that as the Crown was *acquired* by *one revolution*, it may be *loſt* by *another*.——And as if that was not enough, having ſaid that the rights of the ſubject were violated, and their wrongs thus neglected, he concludes the whole, by declaring, that the Engliſh dare openly aſſert their rights, and in a juſt cauſe—a juſt cauſe is, where they are ſuſtaining public wrongs, and their rights violated, then the Engliſh are to meet, and are ready to meet.

This is the language of this paper, this is the ſtyle of this deſperate man——the defendant is charged with publiſhing it——What defence can be anticipated? What can we ſuggeſt to ourſelves to be the ground upon which any defence can

be made to this information ? If it is ſaid, that the defendant is not the *author* ; is then the *author* only to be puniſhed ? Is a man who *writes criminal*, and *he* who *diſſeminates* the *poiſon*, *innocent ?* What ſignifies all the writers in the world, if they are confined to their garrets ? and can't find publiſhers ; they may write to eternity, and notwithſtanding all their malignity they will do no damage. I am perſuaded, that the man who introduces to the public the paper firſt written, is full as criminal as the writer. You will then affect the liberty of the preſs !—The liberty of the preſs is as ſacred as the conſtitution itſelf, and is an eſſential part of it, ſo is my liberty to move, as I pleaſe, to ſay what I think, and to act as I think ; but I muſt not employ my tongue, my hand, nor ſword, to the prejudice of another man ; nor muſt you uſe your *trade* to the prejudice of another man ; but he is not the *firſt* publiſher perhaps ! the *firſt* paper was publiſhed on the 19th of December—this was advertiſed a few days afterwards, and publiſhed and ſold, I believe, on the firſt or ſecond of January, 1770. It is not in the power of any officer, whoſe duty it is to bring into execution the public laws, to impeach, or to arraign offences of this ſort during the intervals of the terms : or when no *Grand Jury* *, or Courts are ſitting. I thought it my duty, and I think I ſhould have deſerved to have forfeited much more than my office, if I had been wanting in it. *With a much diſpatch and expedition as I could, I thought fit to take public notice of theſe publications.*

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* The Weſtminſter Grand Jury, before whom this matter was *properly* cognizable (the defendant living in Weſtminſter) ſat on Wedneſday the third of January, and continued ſitting the fourth, fifth, and ſixth days of the ſame month, all which were within a few days after the publication.

tions *. I believe there is ONE *person*——Illness has been the occasion of his not being brought to a trial now—OTHERS *are now depending* ‡. This person published this paper.—I would not aggravate

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* The whole of this assertion is utterly false. The paper was published, or rather the London Museum, containing the paper, was sold at Mr. Almon's, on the first day of January, 1770, and a bill of indictment might have been preferred against him to the Grand Jury of Westminster, by, and before whom this matter was *properly* cognizable, on the third, fourth, fifth, or sixth days of that month, for upon each of those days that Grand Jury was sitting, which would have been "taking public notice with as much dispatch and expedition as he could," and would have been likewise the regular and legal mode of proceeding. But the fact is, Mr. Attorney-General did not chuse to prefer a bill of indictment to the Grand Jury. He knew very well that every syllable of the offensive paper was TRUE, and he was afraid the Grand Jury would enquire into the *motives* of this *particular* prosecution, as well as into the *contents* and *veracity* of the paper itself. The Grand Jury are sworn *to diligently enquire and true presentment make*, and *not to find against any person for hatred or malice*. And the paper being *notoriously true* and the prosecution *apparently malicious*, he durst not trust the charge with a Grand Jury. But he waited *in secret* till Hillary term, which did not begin till the twenty-third day of January, 1770, and then filed an information, not in consequence of a motion made in *open* Court, but *privately*, that is, *ex officio*, in the Crown Office.

‡ With an affected air of sincerity, there is great art in this passage, which indeed cannot be made appear so strongly upon paper, as it did by the emphasis in speaking. By the words ONE *person*, and OTHERS *are now depending*, Mr. Attorney could not possibly mean any thing but the *original publisher*, and the *re-publishers*. Now the FACT is, that here again he must know, he was advancing a *falshood* in which he could have no other design but to deceive the Jury; it being very natural for the Jury to ask one another, Why is this man brought to trial BEFORE the *original* publisher? The Attorney-General, with great caution, takes care to satisfy them upon that head. He gives them to understand, that the original publisher *is ill*, and for that reason his trial has been postponed. The *baseness* of this part

aggravate on one ſide, or extenuate on the other: I only mean to explain. The paper had been publiſhed ten or eleven days before *this* was publiſhed. I do verily believe there was not a man in the kingdom (I am ſure not an honeſt man in the kingdom) who read it, that did not take offence at it,—the exclamation of mankind againſt it was *general*; yet in that ſituation it was publiſhed by the *now publiſher*. I mention theſe circumſtances to excuſe, or rather to explain the conduct of thoſe who have carried on theſe proſecutions. The facts I have mentioned will be proved—It remains then for you *not to puniſh*, for that is not the preſent ſubject, but to enquire whether the defendant has committed this crime or not.

William Bibbins called, and examined by Mr. *Thurloe*, the Sollicitor-General.

Q. Do you know Almon's ſhop in Piccadilly?

A. I do; a bookſeller's ſhop.

Q. Did

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of the buſineſs would exceed the poſſibility of belief, were not many perſons well acquainted with the notoriety of it. The real truth is, the original publiſher was *not ill*. On the contrary, he was in *perfect health*, and attended upon this very trial, in conſequence of a ſubpœna on the ſide of the proſecution, of which the Attorney-General could not be ignorant; and the ſubpœna was ſo particular, that by a note on the back of it, he was ordered to bring with him the original copy of the advertiſement of the London Muſeum, inſerted in his paper. What purpoſe the original copy of the advertiſement was intended to anſwer, it is impoſſible to ſay, as the printer was not examined. But the advertiſement was ſhewn about to ſeveral perſons, and it appeared by a note at the bottom of it, to have been inſerted in his paper, by the order of Mr. J. Miller, the publiſher of the London Muſeum. Like ſubpœnas were alſo ſent to the publiſhers of the Gazetteer and St. James's Chronicle, but the Attorney-General did not think proper to examine any of them.

Q. Did you at any time buy any paper there or not ?

A. I did.

Q. What did you buy ?

A. The London Muſeum. (produced in Court)

Q. Is that the *very* book you bought ?

A. Yes : it is.

Q. What day did you buy it ?

A. On the firſt of January.

Q. From Mr. *Serjeant Glynn.* Be ſo good as to let us know who you are ?

A. I am a meſſenger to the preſs.

(The paper was here read.)

Mr. Thurloe. I ſhall call a witneſs, in order to ſhew, that Almon was one of the original publiſhers ; or, one of the perſons to whom the attention of the public was *called* in *that* character.

Mr. *Serjeant Glynn* to *Bibbins.* You are a meſſenger to the preſs, pleaſe to tell us what that office is ?

A. It is my buſineſs to buy all political pamphlets.

Q. Have you a ſalary for that purpoſe ?

A. There is a ſalary annexed to that office.

Q. Then without any direction whatever, when a political pamphlet comes out you are to buy it ?

A. Yes.

Q. You looked upon this as a political pamphlet ?

A. Yes : I did.

Q. Did you buy all the Muſeums that were publiſhed, or only this ?

A. I bought them of the publiſher mentioned in the advertiſement : I have a ſtanding order ; and never wait for direction.

Q. Do you buy all magazines and papers which come out ?

A. It

A. If any thing *particular* is advertiſed to be publiſhed in them, *then* I buy them.

Q. I be lieve *Junius* was advertiſed in *all* the magazines: Did you buy *all the magazines ?*

A. I believe you are miſtaken *.

Q. Then the fact is, you did *not* buy all the magazines ?

A. I bought *all* that I knew were publiſhed by him †.

Q. I would

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* The witneſs takes as great a latitude as the Attorney-General. The letter of *Junius*, for the *ſelling* of which the witneſs informed againſt the defendant, was printed in *moſt* if not *all* the magazines, publiſhed in London on the firſt day of January, 1770. The fact of the publication of theſe periodical pamphlets is unqueſtionable. The publiſhers of them, are not men who act in the dark, or who live as if they were afraid to be known. Their names and places of abode are affixed to their books. Sometimes it happens that *other* bookſeller's names, beſides the real publiſhers, are placed in the advertiſements, but the *firſt* name is always that of the *real* publiſher; if the word *publiſher* may be permitted to be underſtood in the uſual and general accepted ſenſe. Indeed, where there is no publiſher's name to a book or pamphlet, or where the name is fictitious, it may be right to deem the firſt man a publiſher, who may be found *ſelling*. But common ſenſe revolts at the idea of *proſecuting*, and the *firſt too !* a SELLER ONLY; when the *real printer* and *publiſher* may be eaſily come at !

† There was a report, which this evidence ſeems to confirm, that informations were drawn againſt the defendant, for ſelling, on the firſt day of January, 1770, the *Freeholders Magazine*, and the *Town and Country Magazine*, each containing Junius's letter; which, probably, this evidence bought at his ſhop the ſame morning.—There is not a doubt, that ſome copies of almoſt every monthly Magazine, are ſold at the ſhop of every bookſeller in the kingdom; but can it be right, or is it reconcileable to any principle of juſtice, that a man ſhould be proſecuted for *only ſelling* a book in the courſe of his trade, which has been printed and publiſhed with impunity, by another, whoſe name is mentioned upon the title page. If the principle upon which ſuch a *partial* proſecution is inſtituted, be

Q. I would be glad to have it underſtood, whether what you do, is done from the idea you have of the duty of your office, or whether you are ſo directed ?

A. From the idea of the duty of my office.

Q. Have you kept them ever ſince ?

A. I delivered them to Mr. Francis—and he delivered them to me again.

Q. How did you know it again ?

A. I marked it, and know it to be the ſame.

Q. You have a ſalary for your office ?

A. I am only an acting meſſenger.

Q. Did you buy the London Magazine * ?

A. I did not.

Q. Who did you buy it of ?

A. The young man in the ſhop ; I aſked for the London Muſeum, and he delivered it to me.

Nathaniel Crowder, examined by Mr. *Moreton.*

Q. Did you buy any London Muſeum, and when ? at the defendant's ſhop in Piccadilly ?

A. I did : this is it—(producing it, and the news paper produced)

Q. Is that the advertiſement of the Britiſh Muſeum ?

A. It is.

Q. Is it that which gave riſe to your buying the paper ?

A. Yes it was.

Lord Mansfield. It is capable of proof, if the defendant *put it in.*

Moreton. The laſt witneſs ſaid that he bought all papers of the political kind.

Lord

be good; then the Miniſter, or, which is the ſame thing, the King's Attorney-General, who always acts by his directions, can at any time prevent any *particular* bookſeller from following his trade, and by that means ruin him.

* Junius's letter was in the London Magazine.

Lord Mansfield. To that he has given a proper answer.

Mr. Davenport. What are you ?

A. I supply the gentlemen of the Treasury with all political daily publications.

Q. Then you are a sort of messenger, employed by the Treasury to select all the papers they direct you to get ?

A. Yes.

Q. You don't know any thing of the book-l ling trade ?

A. No ; I do not.

Q. Did they direct to you to go any *particular* shop ?

A. No *.

Q. Who delivered that pamphlet to you at the shop ?

A. A young man ; I cannot tell who he was.

Q. What did you ask for ?

A. I asked for the London Museum, and somebody gave me one.

MR. SERJEANT GLYNN.

May it please your Lordship, and you gentlemen of the Jury, to favour me in the present cause in behalf of Mr. Almon : and gentlemen, out of the concern that I have for my client, Mr. Almon, it gives me a peculiar satisfaction, that a cause of this nature, affecting him so greatly, comes to be tried by gentlemen of your character. Gentlemen, Mr. Almon is singled

* This witness was the *informer* against Mr. J. Miller (who is the publisher of the London Museum) for printing and publishing Junius letter in the London Evening Post. Is it not extraordinary that he should go to Mr. Miller's, near St. Paul's, for the London Evenng Post ; and then, *of his own accord*, go to Mr. Almon's in Piccadilly, (almost two miles distance !) for what he might have had at Mr. Miller's ?

ſingled out for a proſecution, as the *publiſher* of a paper, contained in a certain pamphlet that comes out monthly, and is called a *Muſeum*—for the publication of a paper, that hath ſingly appeared *in all* news papers that have been publiſhed. The *original* publiſher well known, and avowing himſelf. I ſhould have thought that Mr. Almon, upon the evidence of a man, who calls himſelf a meſſenger to the preſs (an office, that ſhould have expired with that odious ſyſtem of laws)—Upon the evidence of that man, finding this book upon a ſtall, or delivered to him by a boy in the ſhop, that Mr. Almon ſhould now ſtruggle againſt being convicted of an offence, which would bring upon him, undoubtedly, very ſevere puniſhment.—Gentlemen, it is (in my opinion) a queſtion that goes very far beyond the perſon of Mr. Almon. If the proſecutor had thought proper to bring before you the *known* and *avowed* publiſher of this paper, in *that* caſe, the queſtion of the *guilt or innocence* of the paper, would have been material for your conſideration. As Mr. Almon is *now* circumſtanced, if the paper was *meritorious*, the *merit* could *not belong to him*. If, on the other hand, the paper is *criminal*, the *criminality* cannot be imputed *to him*. This offence has been deſcribed in the information, and repreſented afterwards by Mr. Attorney-General, in the opening. Mr. Attorney-General has ſaid, that "it was publiſhed in the malevolence of the publiſher's heart, to vilify and aſperſe the King "upon the throne; that it was done with an intention to excite ſedition and deſtruction in the "kingdom, to divide one part of his Majeſty's "ſubjects againſt the other; and purſuing that "malevolent intention that prompted the author "to excite diſaffection to the King, has taken "that odious and deteſtable part of exaſperating

" the King against his subjects."—To whomsoever *that imputation* belongs, it is certainly the greatest offence that a subject of this kingdom (be he whom he will) can possibly commit: Gentlemen, whether that belongs to Mr. *Almon*, or to the *writer*, I must submit to your consideration.——Whether it belongs to the other, is not now the subject for your discussion.——Gentlemen, I should be very unwilling, as I have stated it to you, to have it totally immaterial; as I am uninstructed by Mr. Almon, who knows nothing of this paper, either to defend it, or to submit to the criminality of it.——As I have no instructions, on the subject, I will not trouble you with many observations: whenever the *real* publisher comes to be tried, the Jury then concerned will consider and decide on the question. It has been said, that this is " to vilify, and asperse the King " himself."—The highest offence that the rancour of the most malevolent heart could ever conceive; but is it such? Is it to vilify and asperse the King? Was it the opinion of the drawers of the information that it was so? I am of opinion that it could not be so; I am of opinion, from a single omission, that *that* was not the construction the drawer of the information put upon it. I have always been led to observe, that the word *false* has been inserted in these informations——every one of them.——How happened it to be omitted *here?* If this conveyed personal reflection on the King, would not the drawer of the information have been prompted, for the honour of the King, to say that it was *false?*—I do say it, that if there is a single word derogatory to the personal honour and virtues of his Majesty, it is false in the *highest degree*.—I say, they should have said it was so.—They cannot now, with decency, contend that the King is personally reflected on, because

they

they have not undertaken to falſify the matter of that.—There is another obſervation that I would ſubmit to you; and I don't mean to ſubmit it to you as at all preventing your going into the conſtruction of this paper.—It was only given me to contend, that the publiſher of this paper is innocent: but I muſt take ſome hints from what has heen ſaid, and ſome doctrines that have been laid down. I take notice of it, becauſe on future occaſions it will concern *others*, and becauſe (in my opinion) it concerns the *public*. I do agree, that perſonal imputations on the King, can never be defended; but, I do aſſert, that the freedom of political diſcuſſion is of the utmoſt conſequence to all our liberty, and I do inſiſt upon it, that the actions of this government may be canvaſſed, freely, and conſiſtently with the duty of a good ſubject; and then ought always to be defended.—The King's hand muſt be employed to the act.— It is no imputation to the King, to cenſure the acts of government.——In no ſenſe is the King to be cenſured, when the conduct of government is only animadverted on. It would be idle to ſtate, that there is a conſtitutional check, on the power of the Crown, lodged in thoſe hands, where———————— ſay that is criminal, and give them information. Having entered lately my proteſt againſt this doctrine, I ſhall not trouble you with any application of it to the preſent queſtion. Let this imputation be what it will, Mr. Almon is not guilty of it: he is not the *publiſher*.——Mr. Almon is a bookſeller, lives I believe in Piccadilly, and you find the charge againſt him is, the having this book in his ſhop. I ſhould really think, for the ſake of the honour of the laws, for the ſafety of every man, that is by no means proper evidence to convict a man upon: I have always

thought, that to the *essence* of a *crime* belongs *intention*. I could never conceive that any man could be guilty who was not *criminal in his heart*. I have always understood too, that whatever is necessary to constitute an offence, is incumbent on the prosecutor to prove.——Gentlemen, is there the least tittle of evidence before you to affect Mr. Almon? not only with a black malevolent intention, ascribed to him in the information, but with any ill intention at all?—from any mischief done, or to be done?—a paper contained in a miscellaneous tract; found only at that shop.—Gentlemen, if Mr. Almon was to be convicted as an offender in the publication of this paper, I think we should be——what never will be allowed in this country I hope, and I believe what, in no civilized country ever was——that a man should be innocent in his intentions, and at the same time *guilty*.—It seems to me to be the greatest paradox, the greatest solecism that ever was attempted to be proved.——Gentlemen, therefore in behalf of Mr. Almon, we now insist upon it, that though the fact is, that this book was found in his shop, yet that Mr. Almon is in no sense the publisher; nor criminal; he never had it, or if he had, his mind never went with it.—After having observed to you upon what has been produced to you in support of the prosecution, it would be almost unnecessary to open to you the particular circumstances of Mr. Almon's case: but, gentlemen, we have not only that defect of evidence which we are to rely upon—we have not only to say that Mr. Almon has not been proved to be the intentional publisher of the paper (and this was absolutely necessary to be proved before he could be convicted) but we have it negatively to prove that this came to Mr. Almon's shop without his knowledge,

knowledge, and that he ſent it back as ſoon as he knew it! Is that circumſtance ſufficient to prove Mr. Almon's guilt? Trifling indeed!——we know that advertiſers will inſert whatever they think proper! and Mr. Almon's name appearing to that advertiſement, it ought not to be the occaſion of any inference drawn againſt Mr. Almon. Gentlemen, you will be told, that among the trade, it is their conſtant cuſtom to inſert the names of ſuch bookſellers as are moſt conveniently ſituated for the circulation of ſuch books—and this was inſerted without his authority,—and the books returned unſold—the few that were ſold, were without his knowledge or intention.—If theſe circumſtances appear before you, how can you ſay that Mr. Almon is guilty of publiſhing this paper? If publication is an offence, Mr. Almon cannot be ſaid to have committed it? Mr. Almon was entirely innocent, entirely ignorant of it——and, if this is to be the law of the land,——if a law ſo contrary to natural juſtice is to prevail, how is any ſituation of men—any age to be ſafe? The common excuſe can never be admitted, becauſe it is quite indifferent, if *intention* is *immaterial*—A man then is criminal in the higheſt degree, though, at the ſame time, he never knew what was doing.—I do moſt heartily ſubſcribe to a doctrine laid down by the Attorney-General, as I build upon its authority a doctrine, which, I think, is highly wholeſome and beneficial to the ſubjects of this kingdom. He has ſaid, that in all caſes whatever, the liberty of the preſs is the moſt ſacred of all others. He has truly ſaid, that that principle reſts on the ſame principle, and the ſame ſecurity, and to be governed by the ſame law, as every other article of our liberty. It is moſt certainly ſo. Mr. Attorney-General has ſaid, that the liberty of the preſs, is the liberty of writing what is juſt:——*I*,

ſays

ſays he, have the liberty of *acting* and *doing*; but, if I abuſe that liberty, I become *criminal*. Certainly ſo! no poſition can be clearer!—If there is an abuſe of that liberty, undoubtedly it is the higheſt miſdemeanor, in proportion to the value of the liberty he abuſes; but apply that to any other liberty to the preſent caſe. I have the liberty of walking; (when I can, I have that liberty too) but ſuppoſing, that in the courſe of my walking, I abuſe that by doing any miſchief, then I abuſe that liberty: or ſuppoſing, that in any other liberty that I have of acting, I act criminally, then I am puniſhable for it. Moſt certainly ſo!——Suppoſe I have the liberty of uſing my hands, if I uſe them to the aſſault, or to the annoyance of my neighbour, I am then criminal: *but under what circumſtances?* If I do it DESIGNEDLY, then I am criminal; if *not*, I *cannot* be ſo; look into every liberty we enjoy, and you will find, that the exerciſe of it depends upon *this* principle, I will not abuſe it. If a miſchief ariſes to my neighbour, I am in ſome ſenſe anſwerable in a civil act, but I can never be made a *criminal*, unleſs I am guilty of wilful abuſe. Mr. Attorney-General has put in the very caſe: a man has the liberty of uſing his hands; if he uſes them to the miſchief of his neighbour, he is a *criminal*; but if by *accident* he hurt his neighbour, he is not criminal, he hath not offended againſt the peace. What means the diſtinction? Why, in the latter caſe, he is not criminal, becauſe he had no intention to do the act he did; and to conſtitute criminality, it is neceſſary there ſhould be a *wicked intention*—to apply this to the caſe of Mr. Almon. Suppoſing now, for argument ſake, that you are convinced that this paper is *criminal*—Mr. Almon has, in the courſe of trade, publiſhed it; that it has been publiſhed at his ſhop; now, it does not

appear

appear that he had the *leaſt knowledge* of it; indeed we will produce proof to you of the *negative*, that he had not the leaſt knowledge of it. Stating the caſe thus, the ſame rules that extend to a man's anſwering for every act of wrong, where *there is an intention*, certainly the ſame rules muſt acquit, where there is *no wicked intention*. Gentlemen, I will therefore ſubmit to you, upon all the circumſtances of this caſe, that we are entitled to your verdict for Mr. Almon; that his conduct cannot be condemned, without violating one of the firſt principles of natural juſtice; and I do hope, that if I ſhould be ſo unfortunate as to have that ever admitted to be violated, I hope it will be violated for ſome greater purpoſe, than merely to affect the ruin of a bookſeller, who, in this part of his conduct, is not criminally guilty; and whom, in this caſe, Gentlemen, I muſt ſubmit to you, as *an honeſt* and *an innocent* man.

Mr. Davenport. We will call a witneſs to prove, that Mr. Almon is the miſtaken object of this proſecution; that the books were ſent to his houſe without his knowledge.

(Call John Miller.

John Miller ſworn.

Serjeant Glynn. I am not bound to prove the contrary of what they *have not proved.*

Court. Uſe your own judgment.

Mr. Davenport. I apprehend, in a cauſe of this ſort, we need call no witneſſes at all. I ſhall be very ſhort upon it. This charge is a malicious and wilful publication of this libel, that has been read to you from the *paper itſelf*, and from the *record.* You will try whether that evidence ſatisfies you, that Mr. *Almon* is the *real* or the *miſtaken* object of this proſecution? The parties who prove the *ſuppoſed* publication, prove the going into Mr. Al-

Almon's ſhop, in Piccadilly, and buying there a pamphlet that they aſked for, under the title of the London or Britiſh Muſeum. *That is the evidence.* There is no letter produced to you; there is no ſpecification of that ſort of libel, that is contained upon the face of the record. The book, the pamphlet was ſold there without the others knowledge of the contents of it. It is uſual, and I believe many of you know it, for bookſellers, in different parts of the town, to ſend pamphlets and books publiſhed for themſelves to other bookſellers; and this appears to be by one John Miller, who ſtands forth, not only as the printer, but the actual publiſher of it. If that be the caſe, and, if it were poſſible, that this might be publiſhed for ſome other man, who avows the publication, it might be ſent very honeſtly to Mr. Almon's, or any other ſhop in this town, and they would be equally the objects of this proſecution; if conſent, if concurrence does not go with the crime, of that you are to be the Judges; of *that*, no evidence has been given; nor is it poſſible to ſtamp a crime of ſo enormous a nature, as has been deſcribed by the Attorney-General, on a man, who himſelf has had no communication with the publiſher. I adviſed my client to call no witneſſes, and I do ſubmit to you, that he is very clear of this charge: if they mean to try it again, they will get better evidence of his guilt.

LORD MANSFIELD TO THE JURY.

THERE are two grounds in this trial for your conſideration. The firſt is matter of fact, whether *he did publiſh it.* The ſecond is, whether the conſtruction put upon the paper by the information in thoſe words where there are daſhes, and not words at length, is the *true* conſtruction;

that

that is, whether the application is to be made to the *King*, to the *administration of his government*, to his *ministers*, to the Members of the House of *Commons*, to England, Scotland, America, Ireland, as put upon it by the information; because, after your verdict, the sense so put upon it, will be taken to be the *true* sense: therefore, if you are of opinion, that that is materially the *wrong* sense, it will be a reason for *not* convicting him upon *that sense*.

In the first place, as to the *publication*, there is nothing more certain, more clear, nor more established, than that the publication—a sale at a man's shop—and a sale *therein*, by his servant, is evidence, and not contradicted, and explained, is evidence to convict the *master of publication*; because, whatever any man does by *another*, he does it *himself*. He is to take care of what he publishes; and, if what he publishes is *unlawful* *, it is at his peril. If an author is at liberty to write, he writes at his *peril*, if he writes or publishes that which is contrary to law; and, with the intention or view, with which a man *writes* or *publishes*, that is in his own breast. It is impossible for any man to know what the views are, but from the *act itself*: if the act itself is such, as infers, in point of law, a *bad view*, *then* the act itself proves the thing. And as to the terms *malicious*, *seditious*, and a great many

 other

* What is unlawful?—The only statutes against libels, viz. 3d Edw. I. 2d and 12th Ric. II. condemn or punish no other than *false* news. They say, "That whoever shall be so hardy "to tell, or publish any *false* news or tales, whereby discord "or slander may grow between the King and his people, or "the great men of the realm, shall be taken and kept in pri-"son, until he has brought him into Court, which was the "the first author of the tale." Junius's letter does not fall within these statutes, for the Attorney-General, in his information, does not call it *false*.

other words that are drawn in these informations, they are all inferences of law, arising out of the fact, in case it be *illegal*. If it is a *legal* writing *, and a man has published it, *notwithstanding these epithets*, he is guilty in no shape at all. And Mr. Serjeant Glynn told you what was true in libels *formerly*: they had more epithets of that kind, and, among the rest, they put in the word *false*; but he is mistaken as to the time; it was left out many years ago; and the meaning of leaving this out is, that it is totally *immaterial* in point of proof, *true* or *false*: if it is *true*, there is, by the constitution, a legal method of prosecution, from the highest to the lowest—every man for his offences. It has been left out, and many others of the same nature, a great many years ago, in prosecutions of *this* kind †: but as to the two facts now before you. As

* How is any man to know *what is a legal writing?*

† How many years ago?—It was left out in the information against Mr. Wilkes, because all the Crown lawyers know very well, that every word of that North-Briton was TRUE. But does Lord Mansfield mean, that it has been left out ever since he knew the Court of King's-Bench? He certainly does not, for he knows better. He cannot have forgot, (being Solicitor-General at that time) that in the information against W. Owen, tried the the 6th of July 1752, for publishing the case of Alexander Murray, Esq; the words are, a wicked, *false*, scandalous, seditious, and malicious libel. Therefore it is not a *great* many years ago, since the word *false* was left out. But it seems to be omitted now, in conformity with, and perhaps the better to enforce that *new* and *absurd* doctrine, that any writing, *true* or false *against* a minister, is a libel. It may be so, according to the imperial slavish civil law; but it is contradicted by natural reason, upon which is founded the mild and liberal law of England. Indeed, Lord Mansfield's definition of the liberty of the press, warrants us in this supposition, for, upon Mr. Woodfall's trial, he said, "The liberty of the press consists in no more than this, a liberty to print now without a licence, what formerly could be printed only with one."——And, in the information against Richard Nutt, for printing and publishing in the London

As to the publication, here are two witneſſes that ſwear to the fact: *Bibbins* ſwears, that being led by an advertiſement, that ſuch a pamphlet was publiſhed and ſold at the defendant's, in Piccadilly, that he went there, aſked for it publicly; it was publicly expoſed to ſale, and ſold to him by a lad in the ſhop, that acted as a ſervant at the defendant's. There is another witneſs, *Crowder*, who likewiſe ſwears, that he aſked publicly for one, and that it was ſold him by the defendant's man: *thus it ſtands upon their evidence.* If there had been any artifice, or trick, of ſending a man privately into another man's ſhop, to ſell it, in order to trap him, if he has ſuch a thing; that is to be proved by the defendant. In this caſe, the defendant may call a ſervant of his to give evidence; but they have judged it wiſer and prudenter not to call him; therefore it reſts entirely upon this ſuggeſtion.

Glynn. We did not call the ſervant, we called Mr. Miller the publiſher.

Mansfield. It certainly reſts ſingly upon the evidence of the two witneſſes, with regard to the publication of this paper: if you believe theſe two witneſſes, you will be ſatisfied as to the fact: if you believe that what they have ſworn is falſe, and not true, you will *not be ſatisfied.*

As to the ſenſe put on the words by the information, you will exerciſe your own judgment: but this certainly, in point of law, is againſt the defendant; and, if you are alſo ſatisfied with the ſenſe put on the words by the information, you will

don Evening Poſt, of Sept. 10, 1754, the paper is called a *falſe*, wicked, ſcandalous, ſeditious, and malicious libel. This information was filed by Lord Mansfield himſelf when he was Attorney-General. And, in the information againſt Dr. Shebeare, tried by Lord Mansfield in Trinity term 1758, for publiſhing the Sixth Letter to the People of England; that letter is called a *falſe*, wicked, ſcandalous, &c. libel.

See Digeſt of the Law of Libels.

will find the defendant *guilty*. They ſeverally prove there being bought there; but if you believe they were not bought there, or ſhould not agree with the information, with regard to the ſenſe there put on the words, in theſe parts of the paper; in *either* of theſe circumſtances, you will *acquit* the defendant; and therefore, in order to guide your judgment the better, you will take the paper and the information with you.

The trial was over about twelve. The Jury then went out, and ſtaid out near two hours and an half. When they returned into Court, Herbert Mackworth, Eſq; (one of the Jury) ſaid to Lord Mansfield,

My Lord, I am inſtructed to aſk a queſtion;

Whether ſelling in the ſhop by a ſervant, of a pamphlet, without the knowledge, privity, or concurrence of the maſter in the ſale, or even without a knowledge of the contents of the libel or pamphlet ſo ſold, be ſufficient evidence to convict the maſter?

To which Lord Mansfield anſwered,

I have always underſtood, and take it to be clearly ſettled, that evidence of a public ſale, or public expoſal to ſale, in the ſhop, by the ſervant, or any body in the houſe or ſhop, is ſufficient evidence to convict the maſter of the houſe or ſhop, though there was no privity or concurrence in him, unleſs he proves the contrary, or that there was ſome trick or colluſion.

The Jury then agreed among themſelves; but before the verdict was given, Lord Mansfield deſired,

That the Attorney-General and Mr. Serjeant Glynn, to attend and take down his opinion; and here he repeated as above to the Jury, except, that

inſtead

inſtead of ſaying it was ſufficient evidence, he ſaid it was *prima facie* evidence to charge him, unleſs he could ſhew it was by trick or colluſion, and without his knowlege or privity; and then added, "If I am wrong, they may move the Court, and "the trial will be ſet aſide."

The Jury being now agreed, the foreman, Leonard Morſe, Eſq; ſaid GUILTY.

Previous to the beginning of the ſucceeding term, the defendant having had a conſultation with his council, was adviſed to move for a new trial; which was accordingly done on the 27th of June, upon the ground of law, that the maſter is not anſwerable, in a criminal caſe, for the conduct of his ſervant, where his privity is not proved; but the Court did not think proper to grant a new trial.

On the 28th of November, 1770, the defendant was brought up for judgment, when his council produc d affidavits of the ſeveral facts mentioned in Mr. Serjeant Glynn's ſpeech upon the trial. However, the judgment of the Court was, to pay ten marks (*i. e.* 6l. 13s. 4d.) to the King, and to give ſecurity for his good behaviour, for two years, in EIGHT HUNDRED POUNDS; himſelf in four hundred, and two ſureties in two hundred pounds each.

The real printers and publiſhers being tried at Guildhall, each by a Jury of independent citizens of London, were all acquitted.

The law proceedings attending this trial, coſt the defendant ONE HUNDRED AND THIRTY-NINE POUNDS and eleven-pence.